

[~116H3381]

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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hold Accountable and
5 Lend Transparency on Campus Sexual Violence Act” or
6 the “HALT Campus Sexual Violence Act of 2021”.

1 **SEC. 2. DISCLOSURE OF ENFORCEMENT ACTIONS.**

2 (a) DISCLOSURE OF PROGRAM REVIEWS AND OPEN
3 INVESTIGATIONS.—The Department of Education Organi-
4 zation Act (20 U.S.C. 3401 et seq.) is amended—

5 (1) in section 203(b) (20 U.S.C. 3413(b)), by
6 adding at the end the following new paragraphs:

7 “(3) The Assistant Secretary for Civil Rights shall
8 make publicly available on the Department’s website a list
9 of each institution under investigation for a possible viola-
10 tion of title IX of the Education Amendments of 1972 (20
11 U.S.C. 1681 et seq.) or title IV of the Civil Rights Act
12 of 1964 (42 U.S.C. 2000c et seq.), the sanctions (if any)
13 or findings issued pursuant to such investigation, and a
14 copy of final program reviews and resolution agreements,
15 including voluntary resolution agreements, entered into by
16 such institution with the Secretary or Attorney General
17 under title IX of the Education Amendments of 1972 (20
18 U.S.C. 1681 et seq.) or title IV of the Civil Rights Act
19 of 1964 (42 U.S.C. 2000c et seq.).

20 “(4) Not later than 30 days after the termination of
21 any resolution agreement described in paragraph (3), the
22 Assistant Secretary for Civil Rights shall transmit to the
23 President and the Congress, and make publicly available
24 on the Department’s website, the letter terminating the
25 Department of Education’s monitoring of such agree-
26 ment.”; and

1 (2) in section 205 (20 U.S.C. 3415), by adding
2 at the end the following new subsection:

3 “(c) The Assistant Secretary for Postsecondary Edu-
4 cation shall make publicly available on the Department’s
5 website a list of each institution under investigation for
6 a possible violation of section 485(f) of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1092(f)), the sanctions (if
8 any) or findings issued pursuant to such investigation, and
9 a copy of program reviews and resolution agreements en-
10 tered into by such institution with the Secretary or Attor-
11 ney General under such section 485(f) (20 U.S.C.
12 1092(f)).”.

13 (b) INSPECTOR GENERAL.—Not later than one year
14 after the date of enactment of this Act, the Inspector Gen-
15 eral of the Department of Education shall submit to Con-
16 gress and make publicly available a report reviewing com-
17 pliance with paragraphs (3) and (4) of section 203(b) of
18 the Department of Education Organization Act (20
19 U.S.C. 3413(b)) and section 205(c) of such Act (20
20 U.S.C. 3415), as added by subsection (a).

21 **SEC. 3. DISCLOSURES OF REQUESTS FOR EXEMPTIONS**
22 **UNDER TITLE IX.**

23 Section 203(b) of the Department of Education Or-
24 ganization Act (20 U.S.C. 3413(b)) is further amended
25 by adding at the end the following new paragraph:

1 “(5) The Assistant Secretary for Civil Rights shall
2 make publicly available and easily accessible on the De-
3 partment’s website a list of each institution that has re-
4 quested to be exempt from title IX of the Education
5 Amendments of 1972 (20 U.S.C. 1681 et seq.).”.

6 **SEC. 4. AUTHORITY TO LEVY FINES.**

7 Section 203(c) of the Department of Education Orga-
8 nization Act (20 U.S.C. 3413) is amended—

9 (1) by striking “and” at the end of paragraph
10 (3);

11 (2) by striking the period at the end of para-
12 graph (4) and inserting “; and”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(5) to impose a civil penalty to be paid by an
16 institution that has violated a law under the jurisdic-
17 tion of the Office for Civil Rights, the amount of
18 which shall be determined by the gravity of the vio-
19 lation, and the imposition of which shall not pre-
20 clude other remedies available under Federal law.”.

21 **SEC. 5. CLIMATE SURVEYS.**

22 Section 485(f) of the Higher Education Act of 1965
23 (20 U.S.C. 1092f) is amended—

24 (1) by redesignating paragraph (18) as para-
25 graph (19); and

1 (2) by inserting after paragraph (17) the fol-
2 lowing:

3 “(18) ONLINE SURVEY TOOL FOR CAMPUS SAFE-
4 TY.—

5 “(A) IN GENERAL.—The Secretary shall, in
6 consultation with the Attorney General, Director of
7 the Centers for Disease Control, and the Secretary
8 of the Department of Health and Human Services
9 and experts in domestic violence, dating violence,
10 sexual assault, sexual harassment, and stalking, de-
11 velop, design, and make available through a secure
12 and accessible online portal, a standardized online
13 survey tool regarding student experiences with do-
14 mestic violence, dating violence, sexual assault, sex-
15 ual harassment, and stalking.

16 “(B) DEVELOPMENT OF SURVEY TOOL.—In de-
17 veloping the survey tool required under subpara-
18 graph (A), the Secretary shall—

19 “(i) use best practices from peer-reviewed
20 research measuring domestic violence, dating vi-
21 olence, sexual assault, sexual harassment, and
22 stalking;

23 “(ii) consult with the higher education
24 community, experts in survey research related
25 to domestic violence, dating violence, sexual as-

1 sault, sexual harassment, and stalking, and or-
2 ganizations engaged in the prevention of and
3 response to, and advocacy on behalf of victims
4 of, domestic violence, dating violence, sexual as-
5 sault, sexual harassment, and stalking regard-
6 ing the development and design of such survey
7 tool and the methodology for administration of
8 such survey tool; and

9 “(iii) ensure that the survey tool is readily
10 accessible to and usable by individuals with dis-
11 abilities.

12 “(C) ELEMENTS.—

13 “(i) IN GENERAL.—The survey tool devel-
14 oped pursuant to this paragraph shall be fair
15 and unbiased, scientifically valid and reliable,
16 and meet the highest standards of survey re-
17 search.

18 “(ii) SURVEY QUESTIONS.—Survey ques-
19 tions included in the survey tool developed pur-
20 suant to this paragraph shall—

21 “(I) be designed to gather information
22 on student experiences with domestic vio-
23 lence, dating violence, sexual assault, sex-
24 ual harassment, and stalking, including the
25 experiences of victims of such incidents;

1 “(II) use trauma-informed language
2 to prevent retraumatization; and

3 “(III) include—

4 “(aa) questions that give stu-
5 dents the option to report their demo-
6 graphic information;

7 “(bb) questions designed to de-
8 termine the incidence and prevalence
9 of domestic violence, dating violence,
10 sexual assault, sexual harassment,
11 and stalking whether the incident oc-
12 curred on or off campus, and whether
13 carried out in whole or in part
14 through the use of electronic mes-
15 saging services, commercial mobile
16 services, electronic communications, or
17 other technology;

18 “(cc) questions regarding wheth-
19 er students know about institutional
20 policies and procedures related to do-
21 mestic violence, dating violence, sexual
22 assault, sexual harassment, and stalk-
23 ing;

24 “(dd) questions designed to de-
25 termine, if victims reported domestic

1 violence, dating violence, sexual as-
2 sult, sexual harassment, or stalk-
3 ing—

4 “(AA) to whom the incident
5 was reported and what response
6 the victim may have received;

7 “(BB) whether the victim
8 was informed of, or referred to,
9 national, State, local, or on-cam-
10 pus resources; and

11 “(CC) whether the entity to
12 whom the victim reported the in-
13 cident conducted an investigation
14 and the duration and final reso-
15 lution of such an investigation;

16 “(ee) questions regarding contex-
17 tual factors, such as whether force, in-
18 capacitation, or coercion was involved;

19 “(ff) questions to determine
20 whether an accused individual was a
21 student at the institution;

22 “(gg) questions to determine
23 whether a victim reported an incident
24 to State, local, or campus law enforce-
25 ment;

1 “(hh) questions to determine why
2 the victim chose to report or not re-
3 port an incident to the institution of
4 higher education or State, local, or
5 campus law enforcement;

6 “(ii) questions to determine the
7 impact of domestic violence, dating vi-
8 olence, sexual assault, sexual harass-
9 ment, and stalking on the victim’s
10 education, including diminished
11 grades, dropped classes, leaves of ab-
12 sence, and negative financial con-
13 sequences (such as costs associated
14 with loss in paid tuition due to leaves
15 of absence, loss in scholarship awards
16 due to diminished grades, and cost as-
17 sociated with counseling, medical serv-
18 ices, or housing changes);

19 “(jj) questions to determine the
20 impact and effectiveness of prevention
21 and awareness programs and com-
22 plaints processes for the overall stu-
23 dent body and different student popu-
24 lations that identify as—

25 “(AA) students of color;

1 “(BB) LGBTQ students;
2 “(CC) immigrant students;
3 “(DD) pregnant, expectant,
4 or parenting students; or
5 “(EE) students with disabili-
6 ties;
7 “(kk) questions to determine atti-
8 tudes toward sexual violence and har-
9 assment, including the willingness of
10 individuals to intervene as a bystander
11 of sex-based (including sexual orienta-
12 tion-based and gender identity-based),
13 race-based, national origin-based, and
14 disability-based discrimination, har-
15 assment, assault, domestic violence,
16 dating violence, sexual assault, sexual
17 harassment, and stalking; and
18 “(ll) other questions, as deter-
19 mined by the Secretary.
20 “(iii) ADDITIONAL ELEMENTS.—In addi-
21 tion to the standardized questions developed by
22 the Secretary under clause (ii), an institution
23 may request additional information from stu-
24 dents that would increase the understanding of

1 the institution of school climate factors unique
2 to their campuses.

3 “(iv) RESPONSES.—The responses to the
4 survey questions described in clause (ii) shall—

5 “(I) be submitted confidentially;

6 “(II) not be included in crime statis-
7 tics; and

8 “(III) in the case of such responses
9 being included in a report, shall not in-
10 clude personally identifiable information.

11 “(D) ADMINISTRATION OF SURVEY.—

12 “(i) FEDERAL ADMINISTRATION.—The
13 Secretary, in consultation with the Attorney
14 General, Director of the Centers for Disease
15 Control, and Secretary of the Department of
16 Health and Human Services, shall develop a
17 mechanism by which institutions of higher edu-
18 cation may, with respect to the survey tool de-
19 veloped pursuant to this paragraph—

20 “(I) administer such survey tool; and

21 “(II) modify such survey tool to in-
22 clude additional elements or requirements,
23 as determined by the institution.

24 “(ii) COSTS.—The Secretary may not re-
25 quire an institution of higher education to pay

1 to modify the survey tool in accordance with
2 clause (i)(II).

3 “(iii) ACCESSIBILITY.—The Secretary shall
4 ensure that the survey tool is administered in
5 such a way as to be readily accessible to and
6 usable by individuals with disabilities.

7 “(iv) INSTITUTIONAL ADMINISTRATION.—
8 Beginning not later than one year after the
9 date on which the Secretary makes available to
10 institutions of higher education the mechanism
11 described in clause (i), and every two years
12 thereafter, each institution of higher education
13 shall administer the survey tool developed pur-
14 suant to this paragraph.

15 “(E) COMPLETED SURVEYS.—The Secretary
16 shall require each institution of higher education
17 participating in any program under this title to en-
18 sure, to the maximum extent practicable, that an
19 adequate, random, and representative sample size of
20 students (as determined by the Secretary) enrolled
21 at the institution of higher education complete the
22 survey tool developed pursuant to this paragraph.

23 “(F) REPORT.—Beginning not later than two
24 years after the date of enactment of the HALT

1 Campus Sexual Violence Act of 2021, and every 2
2 years thereafter, the Secretary shall—

3 “(i) prepare a biennial report on the infor-
4 mation gained from the standardized elements
5 of the survey under this paragraph, which shall
6 include campus-level data for each institution of
7 higher education and attributed by name of
8 each campus in a manner that permits compari-
9 sons across institutions of higher education and
10 campuses;

11 “(ii) publish such report in an accessible
12 format on the website of the Department; and

13 “(iii) submit to Congress such report.

14 “(G) PUBLICATION.—Each institution shall
15 publish, in a manner that is readily accessible and
16 usable by individuals, including individuals with dis-
17 abilities—

18 “(i) the campus-level results of the stand-
19 ardized elements of the survey under this para-
20 graph on the website of the institution and in
21 the annual security report required under para-
22 graph (1) for the campuses affiliated with the
23 institution; and

24 “(ii) the campus-level results of the addi-
25 tional elements modifying the survey by the in-

stitution of higher education, if any, on the
website of the institution.

“(H) VIOLATION.—Upon a determination pursuant to section 487(c)(3)(B) that an institution of higher education has violated or failed to carry out any provision under this subsection, the Secretary shall impose a civil penalty upon the institution pursuant to the same procedures as a civil penalty is imposed under section 487(c)(3)(B), except that such section shall be applied by substituting ‘\$100,000’ for ‘\$25,000’.”.

SEC. 6. CREATION OF A PRIVATE RIGHT OF ACTION.

Section 485(f)(14) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(14)) is amended to read as follows:

“(14)(A) An individual may bring an action against an institution of higher education for a violation of this subsection in an appropriate district court of the United States. In a proceeding under this paragraph, a court may award a plaintiff who has suffered or may suffer damages as a result of noncompliance with this subsection all appropriate relief, including equitable relief, compensatory damages, cost of the action, and remedial action.

“(B) This paragraph shall not be construed to preclude an individual from obtaining any other remedy that

1 is available under any other provision of law or to require
2 such individual to exhaust any administrative complaint
3 process or notice-of-claim requirement before seeking re-
4 dress under this paragraph.”.

5 **SEC. 7. INCREASE OF CLERY ACT PENALTIES.**

6 Section 485(f)(13) of the Higher Education Act of
7 1965 (20 U.S.C. 1092(f)(13)) is amended—

8 (1) by striking “in the same amount and”; and

9 (2) by inserting before the period at the end the
10 following: “, except that such section shall be applied
11 by substituting ‘\$100,000’ for ‘\$25,000’ ”.

12 **SEC. 8. NOTIFICATION OF POLICIES AIMED AT PREVEN-**
13 **TION OF SEX-BASED HARASSMENT AND VIO-**
14 **LENCE.**

15 (a) IN GENERAL.—Paragraph (8) of section 485(f)
16 of the Higher Education Act of 1965 (20 U.S.C. 1092(f))
17 is amended by adding at the end the following new sub-
18 paragraphs:

19 “(D) The statement of policy described in subpara-
20 graph (A) shall be—

21 “(i) written using simple and understandable
22 language and clear formatting; and

23 “(ii) made widely available and posted on the
24 institution’s public website in a manner that is read-

1 ily accessible to and usable by individuals, including
2 individuals with disabilities.

3 “(E) The statement of policy described in subpara-
4 graph (A) shall be provided, on an annual basis, to each
5 student group, student team, or student organization
6 which is part of such institution, is recognized by the insti-
7 tution, or permitted by the institution to use its name or
8 facilities or is known by the institution to act as an unaf-
9 filiated student group, student team, or student organiza-
10 tion, and each institution of higher education described in
11 subparagraph (A) shall require that each such group,
12 team, or organization distributes a copy of such policy to
13 each of its members as well as each of its applicants for
14 membership, including plebes, pledges, or similar appli-
15 cants.

16 “(F) An institution’s compliance with subparagraph
17 (E) with respect to an unaffiliated student group, student
18 team, or student organization shall not constitute evidence
19 of the institution’s recognition or endorsement of such un-
20 affiliated group, team, or organization.”.

21 (b) COMPTROLLER GENERAL REVIEW.—Not later
22 than August 1, 2022, the Comptroller General shall report
23 to the Committee on Education and Labor of the House
24 of Representatives and the Committee on Health, Edu-
25 cation, Labor, and Pensions of the Senate on—

1 (1) the implementation of section 485(f)(8) of
2 the Higher Education Act of 1965 (20 U.S.C.
3 1092(f)(8)), as amended by subsection (a), includ-
4 ing—

5 (A) the extent to which institutions of
6 higher education have developed the statement
7 of policy required under subparagraph (A) of
8 such section;

9 (B) how institutions of higher education
10 are—

11 (i) distributing such statement of pol-
12 icy; and

13 (ii) determining whether the policy is
14 received and understood by students; and

15 (C) the Secretary of Education's oversight
16 of the compliance of institutions of higher edu-
17 cation with respect to the statement of policy
18 requirements under such section, including ef-
19 forts, in consultation with the Attorney General,
20 to provide technical assistance to institutions of
21 higher education in complying with such re-
22 quirements; and

23 (2) any changes in the numbers of dating vio-
24 lence, domestic violence, sexual assault, or stalking
25 incidents reported to campus security authorities or

1 local police agencies as indicated by the annual secu-
2 rity reports distributed under section 485(f)(1) of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1092(f)(1)), as amended by this Act, or the climate
5 surveys under section 485(f)(18) of such Act, as
6 amended by section 5 of this Act.

7 **SEC. 9 TASK FORCE ON SEX-BASED HARASSMENT AND VIO-**
8 **LENCE IN EDUCATION.**

9 (a) TASK FORCE ON SEX-BASED HARASSMENT AND
10 VIOLENCE IN EDUCATION.—Not later than September 1,
11 2022, the Secretary of Education, the Secretary of Health
12 and Human Services, and the Attorney General shall es-
13 tablish a joint interagency task force to be known as the
14 “Task Force on Sex-Based Harassment and Violence in
15 Education” that shall—

16 (1) provide pertinent information to the Sec-
17 retary of Education, Attorney General, Congress,
18 and the public with respect to prevention of, inves-
19 tigation of, and responses to domestic violence, dat-
20 ing violence, sexual harassment, sexual assault, and
21 stalking at institutions of higher education;

22 (2) provide recommendations to educational in-
23 stitutions for establishing prevention and response
24 teams for domestic violence, dating violence, sexual
25 harassment, sexual assault, and stalking;

1 (3) develop recommendations for educational in-
2 stitutions on providing victim resources, including
3 health care, sexual assault kits, sexual assault nurse
4 examiners, culturally responsive and inclusive stand-
5 ards of care, trauma-informed services, and access to
6 confidential advocacy and support services;

7 (4) provide recommendations for educational in-
8 stitutions for research-based education programs or
9 other training for students shown to be effective to
10 prevent domestic violence, dating violence, sexual
11 harassment, sexual assault, and stalking;

12 (5) develop recommendations in conjunction
13 with student groups at greater statistical risk of per-
14 petuating rape culture such as fraternities and ath-
15 letic departments for best practices for prevention of
16 and response to domestic violence, dating violence,
17 sexual harassment, sexual assault, and stalking at
18 educational institutions, taking into consideration an
19 institution's size and resources;

20 (6) develop recommendations for educational in-
21 stitutions on sex education, as appropriate, training
22 for school staff, and various equitable discipline
23 models;

24 (7) develop recommendations on culturally re-
25 sponsive and inclusive approaches to supporting vic-

1 tims, which include consideration of race, ethnicity,
2 national origin, immigrant status, gender identity,
3 sexual orientation, ability, disability, socioeconomic
4 status, exposure to trauma, and other compounding
5 factors;

6 (8) solicit periodic input from a diverse group
7 of victims, trauma specialists, advocates from na-
8 tional, State, and local organizations that combat
9 domestic violence, dating violence, sexual harass-
10 ment, sexual assault, and stalking, educational insti-
11 tutions, and other public stakeholders;

12 (9) assess the Department of Education's abil-
13 ity under section 902 of the Education Amendments
14 of 1972 (20 U.S.C. 1682) to levy intermediate fines
15 for noncompliance with title IX of the Education
16 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
17 the advisability of additional remedies for such non-
18 compliance, in addition to the remedies already
19 available under Federal law; and

20 (10) create a plan described in subsection (c).

21 (b) PERSONNEL DETAILS.—

22 (1) AUTHORITY TO DETAIL.—Notwithstanding
23 any other provision of law, the head of a component
24 of any Federal agency that is funded under the Vio-
25 lence Against Women Act of 1994 (42 U.S.C. 13925

1 et seq.) may detail an officer or employee of such
2 component to the Task Force on Sex-Based Harass-
3 ment and Violence in Education or to the Secretary
4 of Education to assist the Task Force with the du-
5 ties described in subsection (a), as jointly agreed to
6 by the head of such component and the Task Force.

7 (2) BASIS FOR DETAIL.—A personnel detail
8 made under paragraph (1) may be made—

9 (A) for a period of not more than 3 years;
10 and

11 (B) on a reimbursable or nonreimbursable
12 basis.

13 (c) ADDITIONAL PLAN.—Not later than 90 days after
14 the date on which the Task Force on Sex-Based Harass-
15 ment and Violence in Education is established under sub-
16 section (a), the Task Force shall submit to Congress rec-
17 ommendations for recruiting, retaining, and training a
18 highly-qualified workforce employed by the Department of
19 Education to carry out investigation of complaints alleging
20 a violation of title IX of the Education Amendments of
21 1972 (20 U.S.C. 1681 et seq.) or section 485(f) of the
22 Higher Education Act of 1965 (20 U.S.C. 1092(f)), and
23 enforcement of such title IX (20 U.S.C. 1681 et seq.) or
24 such section 485(f) (20 U.S.C. 1092(f)), with respect to
25 domestic violence, dating violence, sexual harassment, sex-

1 ual assault, and stalking in education. Such plan shall in-
2 clude—

3 (1) an assessment to identify current gaps or
4 challenges carrying out such investigation and en-
5 forcement, which may include surveying current in-
6 vestigative workforce to solicit feedback on areas in
7 need of improvement;

8 (2) an examination of issues of recruiting, re-
9 tention, and the professional development of such
10 workforce, including the possibility of providing re-
11 tention bonuses or other forms of compensation for
12 the purpose of ensuring the Department of Edu-
13 cation has the capacity, in both personnel and skills,
14 needed to properly perform its mission and provide
15 adequate oversight of educational institutions;

16 (3) an assessment of the benefits of outreach
17 and training with both law enforcement agencies and
18 educational institutions with respect to such work-
19 force;

20 (4) an examination of best practices for making
21 educational institutions aware of the most effective
22 prevention, investigation, and response practices re-
23 lating to domestic violence, dating violence, sexual
24 harassment, sexual assault, and stalking and identi-

1 fying areas where more research should be con-
2 ducted; and

3 (5) strategies for addressing such other matters
4 as the Secretary of Education considers necessary to
5 prevention of, investigation of, and responses to do-
6 mestic violence, dating violence, sexual harassment,
7 sexual assault, and stalking.

8 (d) ANNUAL REPORT.—The Task Force on Sex-
9 Based Harassment and Violence in Education shall report
10 to Congress on an annual basis, and make publicly avail-
11 able, a report of its activities and any update of the plan
12 required under subsection (c), including the number of
13 complaints received regarding domestic violence, dating vi-
14 olence, sexual harassment, sexual assault, and stalking
15 (including such incidents on the basis of sexual orientation
16 and gender identity), the number of open investigations,
17 the number of complaints that continued to resolution, the
18 number of complaints resolved using informal resolution,
19 the average time to complete an investigation, the number
20 of investigations initiated based on complaints, and the
21 number of investigations initiated by the Department of
22 Education.

23 (e) DEFINITIONS.—In this section:

1 (1) The term “educational institution” includes
2 an institution of higher education, an elementary
3 school, or a secondary school.

4 (2) The terms “elementary school” and “sec-
5 ondary school” have the meanings given the terms
6 in section 8101 of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 7801).

8 (3) The term “institution of higher education”
9 has the meaning given the term in section 102 of the
10 Higher Education Act of 1965 (20 U.S.C. 1002).

11 (4) The terms “domestic violence”, “dating vio-
12 lence”, “sexual assault”, and “stalking” have the
13 meanings given the terms in section 487(f) of the
14 Higher Education of 1965 (20 U.S.C. 1092(f)), as
15 amended by this Act.

16 (5) The term “sexual harassment” means any
17 unwelcome conduct of a sexual nature, regardless of
18 whether it is direct or indirect, or verbal or non-
19 verbal (including conduct that is undertaken in
20 whole or in part, through the use of electronic mes-
21 saging services, commercial mobile services, elec-
22 tronic communications, or other technology), that
23 unreasonably alters an individual’s terms, conditions,
24 benefits, or privileges of an educational program or
25 activity, including by creating an intimidating, hos-

1 tile, or offensive environment, which takes the form
2 of—

3 (A) a sexual advance;

4 (B) a request for sexual favors;

5 (C) a sexual act, where such submission is
6 made either explicitly or implicitly a term or
7 condition of a program or activity at a school
8 or school activity, regardless of a student's sub-
9 mission to or rejection of such sexual act;

10 (D) a sexual act, where such submission or
11 rejection is used as the basis for a decision af-
12 fecting a term or condition of a program or ac-
13 tivity at a school or school activity, regardless
14 of a student's submission to or rejection of such
15 sexual act;

16 (E) other conduct of a sexual nature; or

17 (F) domestic violence, intimate partner vio-
18 lence (dating violence), and sex-based stalking.

19 **SEC. 10. CONFORMING AMENDMENTS.**

20 Section 485(f) of the Higher Education Act of 1965
21 (20 U.S.C. 1092(f)) is amended—

22 (1) in paragraph (1)(F)(i)(II), by striking “sex
23 offenses, forcible or nonforcible” and inserting “sex-
24 ual assault”; and

1 (2) by amending paragraph (6)(A)(v) to read as
2 follows:

3 “(v) The term ‘sexual assault’ has the meaning
4 of an offense classified as a sex offense under the
5 Uniform Crime Report of the Federal Bureau of In-
6 vestigation.”.